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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/501,423	07/13/2004	Johannes Jacobus Franciscus Geijtenbeek	NL 020024	9929	
24737	7590 09/14/2006		EXAMINER		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001			HO, BINH VAN		
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER	
			2163		
			DATE MAILED: 09/14/2006	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/501,423	GEIJTENBEEK ET AL.		
Examiner	Art Unit		
Binh V. Ho	2163		

- The MAIL/MO DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED 31 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal (with appeal feet) in compliance with 37 CFR 4.131, or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following and the continued provided the continued of the continued provided the continued the continued provided the continued the continued provided the continued the		Binh V. Ho	2163	
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Continuation Sheet (PTO-303)

Continuation of 3. NOTE: Response to the argument regarding relative term of "close to the top", the term is indefinite since it is unclear how close is close to. The Applicant states the term has defined in the specification as "anywhere in the space from the upper electrode to the top". However, the upper electrode and its location have not been defined in the claim. In addition, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Similarly, the term of "aspect ratio greater than 3" is indefinite because is not clear because it does not specify what kind of ratio is (etc. diameter, length, width, power, current, voltage ... etc). Note that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

DON WONG

SUPERVISORY PATENT EXAMINE TECHNOLOGY CENTER 2100